

EXTRADITION

Convention signed at London January 18, 1855
Senate advice and consent to ratification March 3, 1855
Ratified by the President of the United States March 8, 1855
Ratified by Hanover March 16, 1855
Ratifications exchanged at London April 17, 1855
Entered into force April 17, 1855
Proclaimed by the President of the United States May 5, 1855
Obsolete

10 Stat. 1138; Treaty Series 155 ¹

CONVENTION FOR THE MUTUAL EXTRADITION OF FUGITIVES FROM JUSTICE, IN CERTAIN CASES, CONCLUDED BETWEEN THE GOVERNMENT OF THE UNITED STATES ON THE ONE PART, AND THE KINGDOM OF HANOVER ON THE OTHER PART

The United States of America and His Majesty the King of Hanover, actuated by an equal desire to further the administration of justice and to prevent the commission of crimes in their respective countries, taking into consideration, that the increased means of communication between Europe and America facilitate the escape of offenders, and that consequently provision ought to be made, in order that the ends of justice shall not be defeated, have determined to conclude an arrangement, destined to regulate the course, to be observed in all cases with reference to the extradition of such individuals, as having committed any of the offences, hereafter enumerated, in one country, shall have taken refuge within the territories of the other. The Constitution and laws of Hanover however, not allowing the Hanoverian Government to surrender their own subjects for trial before a Foreign Court of Justice, a strict reciprocity requires, that the Government of the United States shall be held equally free from any obligation to surrender Citizens of the United States.

For which purposes the high contracting Powers have appointed as their Plenipotentiaries:

The President of the United States, James Buchanan, Envoy Extraordinary and Minister Plenipotentiary of the United States, at the Court of the United Kingdom of Great Britain and Ireland:

¹ For a detailed study of this convention, see 6 Miller 871.

His Majesty the King of Hanover, the Count Adolphus von Kielmansegge, his Envoy Extraordinary and Minister Plenipotentiary to Her Britannic Majesty, Grand Cross of the Order of the Guelphs, &c., &c.

who after reciprocal communication of their respective full powers, found in good and due form, have agreed to the following Articles.

ARTICLE I

The Government of the United States and the Hanoverian Government promise and engage, upon mutual requisitions by them or their Ministers, officers, or authorities respectively made, to deliver up to justice all persons, who being charged with the crime of murder, or assault with intent to commit murder, or piracy, or arson, or robbery, or forgery, or the utterance of forged papers, or the fabrication or circulation of counterfeit money, whether coin or paper money, or the embezzlement of public moneys, committed within the jurisdiction of either party, shall seek an asylum, or shall be found within the territories of the other: provided that this shall only be done upon such evidence of criminality, as according to the laws of the place, where the fugitive, or person so charged shall be found, would justify his apprehension and commitment for trial, if the crime or offence had there been committed; and the respective judges and other Magistrates of the two Governments shall have power, jurisdiction and authority upon complaint made under oath, to issue a warrant for the apprehension of the fugitive or person so charged, that he may be brought before such judges, or other Magistrates respectively, to the end, that the evidence of criminality may be heard and considered; and if on such hearing the evidence be deemed sufficient, to sustain the charge, it shall be the duty of the examining judge or magistrate, to certify the same to the proper executive authority, that a warrant may issue for the surrender of such fugitive.

The expense of such apprehension and delivery shall be borne and defrayed by the party who makes the requisition and receives the fugitive.

ARTICLE II

The Stipulations of this Convention shall be applied to any other State of the Germanic confederation, which may hereafter declare its accession thereto.

ARTICLE III

None of the contracting parties shall be bound, to deliver up its own subjects or Citizens under the Stipulations of this Convention.

ARTICLE IV

Whenever any person, accused of any of the crimes enumerated in this Convention, shall have committed a new crime in the territories of the State,

where he has sought an asylum or shall be found, such person shall not be delivered up under the Stipulations of this Convention, until he shall have been tried and shall have received the punishment due to such new crime, or shall have been acquitted thereof.

ARTICLE V

The present Convention shall continue in force until the First of January, One thousand eight hundred and fifty-eight, and if neither party shall have given to the other six months previous notice of its intention then to terminate the same, it shall further remain in force until the end of twelve months, after either of the high contracting parties shall have given notice to the other of such intention; each of the high contracting parties reserving to itself the right of giving such notice to the other at any time after the expiration of the said First day of January, One thousand eight hundred and fifty-eight.

ARTICLE VI

The present Convention shall be ratified by the President by and with the advice and consent of the Senate of the United States and by the Government of Hanover, and the ratifications shall be exchanged, in London within Three months from the date hereof or sooner if possible.

In faith whereof, the respective Plenipotentiaries have signed this Convention and have hereunto affixed their Seals.

Done in duplicate in London the Eighteenth day of January One thousand eight hundred and fifty-five and the Seventy-ninth year of the Independence of the United States.

JAMES BUCHANAN [SEAL]

A. KIELMANSEGGE [SEAL]